

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACOB BARRIENTES,

Defendant.

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4:11CR3090

MEMORANDUM AND ORDER

IT IS ORDERED that defendant Barrientes' motion to continue and to set a plea hearing, (filing no. 53), is granted, and

- 1) The defendant's request to set a change of plea hearing is granted, and a hearing on the defendant's anticipated plea of guilty is scheduled before Magistrate Judge Zwart on January 17, 2012, at 2:00 p.m., in Courtroom No. 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
- 2) The defendant, defendant's counsel, and counsel for the government shall appear at this hearing.
- 3) On or before the date set for the plea proceeding, counsel for plaintiff and for defendant shall provide to the assigned probation officer their respective versions of the offense for purposes of preparing the presentence investigation report.
- 4) The ends of justice served by granting defendant's request to set a change of plea hearing outweigh the interests of the public and the defendant in a speedy trial, and the time between today's date and the anticipated plea of guilty shall be deemed excluded in any computation of time under the requirements of the Speedy Trial Act because the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7).
- 5) The defendant's motion to suppress, (filing no. 40), is deemed withdrawn.

DATED this 13th day of December, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge